

MAY 25 2018

Sherri R. Carter, Executive Officer/Clerk
By: Glorietta Robinson, Deputy

MICHAEL N. FEUER, City Attorney, SBN 111529
ARTURO MARTINEZ,
Deputy Chief, Safe Neighborhoods & Gang Division, SBN 180355
JONATHAN CRISTALL,
Assistant City Attorney, SBN 191935
LIORA FORMAN-ECHOLS,
Assistant Superv. Deputy City Attorney, SBN 184135
RYAN BORHO, Deputy City Attorney, SBN 275484
200 N. Main Street, Suite 966, Los Angeles, California 90012
Telephone: 213.978.4090 / Fax: 213.978.4670
E-Mail: Ryan.Borho@lacity.org

Attorneys for Plaintiff

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 7 0 7 7 7 4

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

VIMAL, INC., a California corporation; VIMAL
NANU PATEL, individually and as an officer of
VIMAL, INC.; NANUBHAI M. PATEL, individually
and as an officer of VIMAL, INC.; LALITABEN N.
PATEL, individually and as an officer of VIMAL,
INC.; and DOES 1 through 50, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR ABATEMENT AND
INJUNCTION**

[Health and Safety Code section 11570,
et seq.; Penal Code section 11225, et
seq.; Civil Code section 3479, et seq.;
Business and Professions Code section
17200, et seq.]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating a prolific narcotics, prostitution, violent and gang-related general public nuisance which exists at the Hyland Motel, an approximately 40-room motel located at 7041 Sepulveda Boulevard in the Van Nuys area

1 of Los Angeles ("Property" or "Motel"). The Action is brought pursuant to the Narcotics
2 Abatement Law, California Health and Safety Code section 11570, *et seq.* ("NAL"); the Red
3 Light Abatement Law, Penal Code section 11225, *et seq.* ("RAL"); the Public Nuisance
4 Law, Civil Code sections 3479-3480 ("PNL"); and the Unfair Competition Law, Business
5 and Professions Code section 17200, *et seq.* ("UCL").

6 2. Since at least 2005, the Property has been, and currently is, a center of
7 violence, crime and disorder. Drugs are conspicuously sold and/or stored in one or more
8 rooms at the Motel, as well as in the Motel parking lot. Members of criminal street gangs,
9 including the notorious 18th Street, Blythe Street, and Burbank Trece gangs, have been
10 arrested at and connected to the Property, and they, or their drug-selling associates,
11 frequently rent rooms at the Motel to sell drugs. Prostitutes and their pimps also use the
12 Motel's rooms to conduct their illegal business. The Motel's owner, Defendant VIMAL,
13 INC., and its agents responsible for the Motel's operation, including its only three officers,
14 Defendants VIMAL NANU PATEL (also known as VIMAL PATEL), NANUBHAI M. PATEL,
15 and LALITABEN N. PATEL ("Defendants"), enable the problem by failing to implement and
16 maintain best management and operational practices that would suppress or eliminate the
17 nuisance.

18 3. Since 2015 alone, there have been at least three dozen arrests or other
19 violent criminal or nuisance incidents at or connected to the Property. Just within the last
20 two weeks, Los Angeles Police Department ("LAPD") investigations have resulted in the
21 purchase of cocaine and methamphetamine on the Property on three separate occasions,
22 *from three different dealers*. In one instance, the dealer obtained methamphetamine from a
23 Motel room before selling it to a law enforcement informant. Last December, LAPD officers
24 arrested an 18th Street gang member at the Property for possession of heroin for sales.
25 The gang member told the arresting officers that he had been living at the Motel for six
26 months. During the arrest, officers recovered heroin, methamphetamine, and narcotics
27 packaging material, and observed a video camera in the window of the gang member's
28 Motel room. The camera was connected to a monitor inside the room (in plain view) being

1 used for counter-surveillance. In these and other narcotics arrests at and connected to the
2 Property, LAPD officers have recovered methamphetamine, heroin, cocaine, and
3 implements of narcotics sales and use, including baggies, syringes, digital scales, pay-owe
4 sheets, and U.S. currency.

5 4. In addition to the narcotics activity at the Property, the Property has been, and
6 continues to be, a haven for prostitutes and pimps. Between January 2015 and April 2018,
7 LAPD officers made at least a dozen arrests at or connected to the Property for
8 prostitution-related crimes, including solicitation for prostitution, loitering for prostitution, and
9 pandering. On one occasion last December, a man with a room at the Motel approached
10 two undercover female LAPD officers who were posing as prostitutes outside the Motel.
11 The man was arrested for pandering after he tried to procure the officers to work for him as
12 prostitutes, telling them, among other things, that he would protect them and make dates
13 for their sex acts. In another instance, last November, LAPD officers arrested two women
14 after they solicited an undercover police officer for sexual intercourse. The women said
15 they had a room at the Motel and directed the undercover officer to the Motel parking lot
16 where the women were arrested. In yet another instance, last September, officers
17 observed a woman walk out of a room at the Motel, cross the Motel parking lot, and walk to
18 Sepulveda Boulevard where she began monitoring traffic and paying close attention to
19 lone-male motorists. Officers arrested the woman for prostitution after she solicited an
20 undercover officer for sexual intercourse and invited the officer to her room at the Motel.

21 5. Drugs and prostitution are not the only source of nuisance activity occurring at
22 the Property. The Property is also the site for general public nuisance activity, often gang-
23 related, and often violent, that threatens and endangers both the law-abiding guests at the
24 Motel and members of the surrounding community. Last October, for example, LAPD
25 officers were called to the Property for a battery investigation after a fight involving a
26 documented Blythe Street gang member who was apparently living at the Motel. In another
27 instance, in April 2018, LAPD officers received a call for an "ADW Stabbing" at a residence
28 nearby the Motel. Upon arrival at the residence, the officers learned that the victim was

1 stabbed during a fight at the Property. When officers arrived at the Property to investigate,
2 they observed a trail of blood leading from the Motel parking lot out to the surrounding
3 neighborhood. Surveillance footage from the incident showed a fight involving at least six
4 people with several young children present and watching. Indeed, while at the Motel
5 investigating the knife stabbing, LAPD officers observed about 10 children standing on a
6 stairwell observing their every move. At one point, a man with facial tattoos and wearing a
7 New York Yankees baseball cap—insignia associated with the Barrio Van Nuys criminal
8 street gang—came out of a Motel room and told the children, “Don’t fucking talk to the
9 cops! Don’t be a snitch!”, and ushered the children into his room.

10 6. In addition to the instances of violence described above, among others, LAPD
11 officers have investigated and arrested individuals at the Property for other crimes injurious
12 to the health and safety of the surrounding community, including identity theft, burglary,
13 robbery, criminal threats, and illegal possession of ammunition. Officers have also
14 recovered stolen vehicles at the Property on multiple occasions.

15 7. Not surprisingly given the Motel’s location on the edge of a residential
16 neighborhood, the LAPD regularly receives citizen complaints about the Property. Citizens
17 complain regularly that individuals at the Motel are using drugs in public. They also
18 complain regularly of people running around the Property and screaming, and about loud
19 sounds of fights, often sounding like domestic disputes, coming from individuals at the
20 Property. The Motel does not have adequate parking to accommodate all the guests and
21 visitors at the Motel. Cars spill out into the nearby residential neighborhood with individuals
22 loitering and doing drugs in the cars before going into the Motel. In fact, complaints about
23 the Motel are not limited to citizens in the surrounding neighborhood. As one recent Yelp
24 review stated: “This Motel lives up to it’s [sic] name! Yup, one can find a different kind of
25 room service there- The place is an open market for hard drugs!”

26 8. Though nuisance activity has occurred at the Property since at least 2005, it
27 has spiked in recent years, indicating that Defendants are unwilling or perhaps unable to
28 take necessary measures to stem the rising tide of crime emanating from the Property.

1 Indeed, Defendants were put on notice as early as 2005 of nuisance activity occurring on
2 their Property. The Office of the Los Angeles City Attorney has twice held meetings with
3 Defendants to discuss the nuisance criminal activity at the Property and the steps they
4 could take to stop it. The first meeting occurred in 2005 and was attended by Defendants
5 VIMAL PATEL and NANUBHAI M. PATEL. A second meeting occurred in 2015 and was
6 attended, again, by VIMAL PATEL. But despite these two meetings, the nuisance activity
7 occurring at the Property has not stopped and, indeed, as noted above, has escalated in
8 the last year.

9 9. Defendants' failure to implement appropriate security and other managerial
10 "best practices" allows the Property to persist as a dangerous public nuisance. Defendants
11 must play a far more proactive, engaged, and committed role to put a halt to the ongoing
12 drug, prostitution, and gang-involved general nuisance activity at the Property. Indeed,
13 among other remedies sought in this Action, the People seek an order for Defendants to
14 reside at the Property until the nuisance is abated pursuant to Health and Safety Code
15 section 11573.5(f)(1)(H). This nuisance abatement prosecution is intended to require that
16 and other actions by Defendants in order to make the Property safe for its law-abiding
17 inhabitants and for the people who live and do business in the surrounding neighborhood.

18 II. THE PARTIES AND THE PROPERTY

19 A. Plaintiff

20 10. Plaintiff, the People, is the sovereign power of the State of California
21 designated in Health and Safety Code section 11571, Penal Code section 11226, Code of
22 Civil Procedure section 731, and Business and Professions Code section 17204 to be the
23 complaining party in law enforcement actions brought to abate, enjoin and penalize
24 narcotics nuisances, red light nuisances, public nuisances and unfair competition,
25 respectively.

26 B. The Defendants

27 11. Defendant VIMAL, INC., a California corporation, is the record owner of the
28 Property and has been since 1994; defendant VIMAL, INC. is doing business as the

1 "Hyland Motel," according to publicly available documents.

2 12. Defendant VIMAL NANU PATEL (aka VIMAL PATEL), 43, has been an officer
3 of VIMAL, INC., including serving as the corporation's Chief Financial Officer, at all times
4 relevant to this Complaint. Defendant VIMAL PATEL is named as VIMAL, INC.'s "Owner"
5 on the most recent corporate document filed by the company with the California Secretary
6 of State.

7 13. Defendant NANUBHAI M. PATEL, 70, is VIMAL PATEL's father. He has
8 been an officer and/or director of VIMAL, INC., including serving as the corporation's Chief
9 Executive Officer and agent for service of process, at all times relevant to this Complaint.

10 14. Defendant LALITABEN N. PATEL, 71, is VIMAL PATEL's mother. She has
11 been an officer of VIMAL, INC., including serving as the corporation's Secretary, at all times
12 relevant to the Complaint.

13 15. Plaintiff is informed and believes, and upon such information and belief
14 alleges, that Defendants have overall authority over company affairs, including decision-
15 making authority when it comes to capital improvements at the Property and management
16 of the Property. In other words, Defendants are in a position of responsibility which allows
17 them to influence corporate policies or activities regarding the Property. Further, Plaintiff is
18 informed and believes, and upon such information and belief alleges, that Defendants had,
19 by reason of their positions as corporate officers of VIMAL, INC., responsibility and
20 authority to prevent in the first instance, or promptly correct, the dangerous gang-,
21 narcotics-, and prostitution-related public nuisance that has existed at the Property for
22 many years. Defendants' actions (or inactions) facilitated the existence of the public
23 nuisance at the Property.

24 16. The true names and capacities of defendants sued herein as Does 1 through
25 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
26 names. When the true names and capacities of said defendants have been ascertained,
27 Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such
28 fictitious names the true names and capacities of said fictitiously named defendants.

1 **C. The Property**

2 17. The Property consists of a motel and parking lot located at the commonly
3 known address of 7041 Sepulveda Blvd, Los Angeles, California 91405, in the Van Nuys
4 area of Los Angeles. The Property, located on the corner of Sepulveda Boulevard and
5 Vose Street, is adjacent to a residential neighborhood consisting primarily of single-family
6 homes. The Property has a reputation in the community, and among law enforcement
7 officers, as a gang hangout, and as a narcotics sales and prostitution location.

8 18. The Property consists of two parcels whose legal descriptions are: 1) "The
9 Northerly 100 feet of the Southerly 130 feet of the Easterly 270 feet of Lot 543 of Tract No.
10 1000, in the City of Los Angeles, County of Los Angeles, State of California, as per map
11 recorded in Book 19, pages 1 to 34 inclusive of Maps, in the office of the County Recorder
12 of said County. Except therefrom those portions of said land lying within the lines of
13 Sepulveda Boulevard, as said Boulevard is shown on the map of Tract No. 9810, as per
14 map recorded in Book 139, Pages 16 and 17 of said maps records," and 2) "The East 55
15 feet of the West 165 feet of Lot 15, Tract 9810, in the City of Los Angeles, County of Los
16 Angeles, State of California, as per map recorded in Book 139, Pages 16 and 17 of Maps,
17 in the office of the County Recorder of said County," Assessor's Parcel Number 2222-032-
18 003.

19 **III. NARCOTICS ABATEMENT LAW**

20 19. The abatement of a nuisance is a long established and well-recognized
21 exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775;
22 *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment
23 in 1972, the principal purpose of the NAL (Health & Saf. Code, § 11570, et seq.) is the
24 abatement of buildings and places "used for the purpose of unlawfully selling, serving,
25 storing, keeping, manufacturing, or giving away any controlled substance, precursor, or
26 analog specified in this division" (Health & Saf. Code, § 11570).

27 20. The NAL provides that every building or place used for the purpose of
28 unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled

1 substance, precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated,
2 and prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
3 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew*
4 *v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

5 21. Health and Safety Code section 11571 authorizes a city attorney to bring an
6 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
7 "Whenever there is reason to believe that a nuisance as described in Section 11570 is
8 kept, maintained, or exists in any county, the district attorney of the county, or the city
9 attorney of any incorporated city or of any city and county, in the name of the people,
10 may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the
11 person conducting or maintaining it, and the owner, lessee, or agent of the building or place
12 in or upon which the nuisance exists from directly or indirectly maintaining or permitting the
13 nuisance."

14 22. Health and Safety Code section 11573(a) provides that: "If the existence of
15 the nuisance is shown in the action to the satisfaction of the court or judge, either by
16 verified complaint or affidavit, the court or judge **shall** allow a temporary restraining order or
17 injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis
18 added.) In addition, Health and Safety Code section 11581 provides, as an additional
19 remedy, for the removal and sale of all fixtures and movable property on the premises used
20 in aiding or abetting the nuisance and for the closure of the building for up to one year.

21 IV. RED LIGHT ABATEMENT LAW

22 23. The abatement of a nuisance is a long established and well-recognized
23 exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775;
24 *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) As in its title, the
25 function of the Red Light Abatement Law is the abatement of buildings and places "used
26 for the purpose of [...] lewdness, assignation, or prostitution." (Pen. Code, § 11225(a)(1)
27 et seq. [emphasis added].)
28

1 24. Penal Code section 11225(a)(1) declares that “every building or place in or
2 upon which acts of [...] lewdness, assignation, or prostitution, are held or occur, is a
3 nuisance which **shall** be enjoined, abated, and prevented [...] whether it is a public or
4 private nuisance.” (Pen. Code, § 11225(a)(1) [emphasis added].) Similarly, subsection
5 11225(b)(1) designates as a nuisance also subject to abatement, any building or place in
6 or upon which acts of human trafficking occur. (Pen. Code, § 11225(b)(1).)

7 25. Section 11226 of the Penal Code authorizes a city attorney to prosecute a
8 civil action to enforce the Red Light Abatement Law. It states that, “[i]f there is reason to
9 believe that a nuisance, as defined in this article, [...] is kept, maintained, or is in existence
10 in any county, the district attorney or county counsel, in the name of the People of the
11 State of California, or the city attorney of an incorporated city [...] may maintain an action
12 in equity to abate and prevent the nuisance and to perpetually enjoin the person
13 conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or
14 upon which the nuisance exists, from directly or indirectly maintaining or permitting it.”
15 (Pen. Code, § 11226.) The City of Los Angeles is an incorporated city, and the Los
16 Angeles City Attorney is therefore authorized under Penal Code section 11226 to bring
17 this action on behalf of the People of the State of California.

18 26. Injunctive relief is provided for on an interim and immediate basis under the
19 Red Light Abatement Law. Penal Code section 11227(a) provides that when, “the
20 existence of the nuisance is shown in the action to the satisfaction of the court or judge,
21 either by verified complaint or affidavit, the court or judge **shall** allow a temporary
22 restraining order or injunction to abate and prevent the continuance or recurrence of the
23 nuisance.” (Emphasis added.) Moreover, an injunction issued pursuant to subsection (b)
24 of Penal Code section 11227 may run with the land, enjoining subsequent owners,
25 commercial lessees, or agents who acquire the property and are on notice of the
26 injunction.

27 27. Finally, once the existence of a nuisance has been established under the
28 Red Light Abatement Law, “an order of abatement **shall** be entered as part of the

1 judgment in the case." (Pen. Code, § 11230.) Such an order of abatement provides for the
2 removal and sale of all fixtures and movable property on the premises used in aiding or
3 abetting the nuisance and for the closure of the building for one year during which time its
4 use for any purpose would be prohibited.

5 **V. THE PUBLIC NUISANCE LAW**

6 28. Civil Code section 3479 defines a public nuisance as "[a]nything which is
7 injurious to health, including, but not limited to, the illegal sale of controlled substances, or
8 is indecent or offensive to the senses, or an obstruction to the free use of property, so as to
9 interfere with the comfortable enjoyment of life or property...." (See *City of Bakersfield v.*
10 *Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word
11 'nuisance' in Civil Code section 3479. . . ."].)

12 29. Civil Code section 3480 defines a public nuisance as "one which affects at the
13 same time an entire community or neighborhood, or any considerable number of persons,
14 although the extent of the annoyance or damage inflicted upon individuals may be
15 unequal."

16 30. In particular, gang activity, such as drug dealing, loitering, consumption of
17 alcohol and illegal drugs, and boisterous conduct which creates a "hooligan-like
18 atmosphere" constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14
19 Cal.4th 1090, 1120.)

20 31. Civil Code section 3491 provides that the "remedies against a public nuisance
21 are indictment or information, a civil action or abatement." Abatement is "accomplished by
22 a court of equity by means of an injunction proper and suitable to the facts of each case."
23 (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

24 32. Code of Civil Procedure section 731 authorizes a city attorney to bring an
25 action to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may
26 be brought in the name of the people of the State of California to abate a public nuisance . .
27 . by the city attorney of any town or city in which such nuisance exists."

28 33. Where "a building or other property is so used as to make it a nuisance under

1 the statute, the nuisance may be abated . . . , notwithstanding that the owner had no
2 knowledge that it was used for the unlawful purpose constituting a nuisance." (*People ex*
3 *rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L.*
4 *Harney, Inc.* (1958) 165 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist
5 without negligence"]; *People v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment
6 supported on findings that such nuisance was conducted and maintained on the premises
7 in question, regardless of the knowledge of the owner thereof, is sufficient. Such
8 knowledge on the part of the owner . . . is unnecessary."]; *People v. Peterson* (1920) 45
9 Cal.App. 457, 460 ["[I]t was not necessary . . . for the trial court to find either, that the
10 [defendants] threatened, and unless restrained, would continue to maintain, aid, and abet,
11 the nuisance, or that they knew the building was used in violation of the act. . . . The
12 existence of the nuisance was the ultimate fact in this case, and having been found,
13 supports the judgment."].) This is because "the object of the act is not to punish; its
14 purpose is to effect a reformation of the property itself." (*People v. Bayside Land Co.*
15 (1920) 48 Cal.App. 257, 261.)

16 VI. UNFAIR COMPETITION LAW

17 34. The practices forbidden by the state Unfair Competition Law at Business and
18 Professions Code section 17200 *et seq.* ("UCL") are any practices forbidden by law, be it
19 criminal, federal, state, municipal, statutory, regulatory or court-made. As the California
20 Supreme Court has explained, the UCL "'borrows' violations of other laws and treats them
21 as unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay*
22 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal
23 citations and quotation marks omitted).)

24 35. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything
25 that can properly be called a business practice and that at the same time is forbidden by
26 law." (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad
27 net. "Any person performing or proposing to perform an act of unfair competition may be
28 enjoined . . ." (Bus. & Prof. Code, § 17203; *emphasis added.*) The term person includes

1 "natural persons, corporations, firms, partnerships, joint stock companies, associations and
2 other organizations of persons." (Bus. & Prof. Code, § 17201.) The courts have expanded
3 section 17200's net beyond direct liability to include common law doctrines of secondary
4 liability where the liability of each defendant is predicated on his or her personal
5 participation in the unlawful practices. (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14;
6 *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952, 960.)

7 36. Civil actions under the UCL may be brought in the name of the People of the
8 State of California by any city attorney of a city having a population in excess of 750,000
9 (Bus. & Profs. Code, § 17204), such as the City of Los Angeles. A public entity can sue
10 pursuant to section 17200 based on violations of its own municipal code, state law, or other
11 local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330,
12 338-339.)

13 37. Defendants engaging in violations of the UCL may be enjoined in any court of
14 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
15 judgments, including appointment of a receiver, as may be necessary to prevent the use or
16 employment by any person of any practice constituting unfair competition. (*Id.*)

17 38. Although no case has specifically been called upon to define the term
18 "business" in section 17200, the courts have frequently given a broad reading to the
19 provisions of the UCL so as to affect its broad remedial purposes. (See, e.g., *Barquis v.*
20 *Merchants Collection Ass'n* (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely
21 in criminal conduct such as the manufacture of illegal drugs or obscene matter is a
22 business for purposes of section 17200. (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d
23 315, 320-321.) Moreover, recent amendments to section 17200 make clear that even a
24 one-time act of misconduct can constitute a violation of the UCL. (*Klein v. Earth Elements,*
25 *Inc.* (1997) 59 Cal.App.4th 965, 969.)

26 39. The ownership and operation of a motel is a business. (See *Clark v. City of*
27 *San Pablo* (1969) 270 Cal.App.2d 121, 125.) Thus, when a property owner conducts,
28 maintains or permits a nuisance that is unlawful under the NAL, RLA, and/or PNL to exist

1 on the premises of such a business, it is a violation of the UCL. (*See San Francisco v.*
2 *Sainez* (2000) 77 Cal.App.4th 1302, 1323.)

3 **VII. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

4 **[Health and Safety Code Section 11570, *et seq.* --**

5 **Against Defendants and DOES 1 through 50]**

6 40. Plaintiff incorporates paragraphs 1 through 39 above as if fully alleged herein.

7 41. From an exact date unknown but at least since 2005, the Property has been
8 used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or
9 giving away controlled substances and/or is a building or place wherein or upon which
10 those acts take place in violation of Health and Safety Code section 11570, *et seq.*

11 42. From an exact date unknown but at least since 2005 and through the present
12 time, Defendants have directly or indirectly conducted, maintained and/or permitted the
13 Property to be used for the purposes of unlawfully selling, serving, storing, keeping,
14 manufacturing and/or giving away controlled substances, including but not limited to heroin,
15 methamphetamine, and cocaine.

16 43. The Property has a reputation in the community as a location where unlawful
17 narcotics activity takes place.

18 44. Defendants are the owners, operators, lessors, and/or lessees of the fixtures
19 and appurtenances contained within the Property and said fixtures and appurtenances
20 were used and are presently being used, directly or indirectly, by Defendants in conducting,
21 maintaining, and/or permitting the use of the Property, including its grounds, buildings, and
22 premises for narcotics activity.

23 45. Plaintiff has no plain, speedy and adequate remedy at law and unless
24 Defendants are restrained and enjoined by order of this Court, they will continue to use,
25 occupy, maintain, and/or permit, directly or indirectly, the use of the Property, together with
26 the fixtures and appurtenances located therein, for the purpose of selling, serving, storing,
27 keeping, distributing, or giving away controlled substances and they will continue to
28

1 conduct, maintain, allow, permit, and encourage this nuisance on the Property, to the
2 irreparable damage of the public and in violation of California law.

3 **VIII. SECOND CAUSE OF ACTION FOR RED LIGHT ABATEMENT**

4 **[Penal Code Section 11225, et seq.—**

5 **Against Defendants and Does 1 through 50]**

6 46. Plaintiff incorporates paragraphs 1 through 45 above as if fully alleged herein.

7 47. From an exact date unknown but at least since 2005 and through the present
8 time, the Property has been used for the purpose of prostitution and pandering and/or is a
9 building or place wherein or upon which acts of prostitution and pandering take place.

10 48. From an exact date unknown but at least since 2005, Defendants have
11 directly or indirectly conducted, maintained, or permitted the Property and the Motel to be
12 used for the purposes of prostitution and pandering in violation of Penal Code section
13 11225.

14 49. The Property has a reputation in the community as a location where
15 prostitution and pandering is known to take place.

16 50. Each Defendant is an owner, operator, lessor, and/or lessee of the fixtures
17 and appurtenances contained within the Property and said fixtures and appurtenances
18 were used and are presently being used, directly or indirectly, by Defendants in directly or
19 indirectly conducting, maintaining, and/or permitting the use of the Property, including its
20 grounds, buildings, and premises, for prostitution and pandering in violation of Penal Code
21 section 11225.

22 51. Plaintiff has no adequate remedy at law and unless Defendants are enjoined
23 and restrained by order of the Court, they will continue to use, occupy, maintain and/or
24 permit the Property, together with the fixtures and appurtenances located therein, for the
25 purposes of prostitution and pandering, and they will continue to allow, permit, and
26 encourage this nuisance on the premises to the irreparable harm of the public.

1 IX. **THIRD CAUSE OF ACTION FOR PUBLIC NUISANCE**

2 **[Civil Code Section 3479, et seq. --**

3 **Against Defendants and DOES 1 through 50]**

4 52. Plaintiff incorporates Paragraphs 1 through 51 above as if fully alleged herein.

5 53. From an exact date unknown but at least since 2005 and through the present
6 time, Defendants have owned, operated, occupied, used, and/or directly or indirectly
7 permitted to be occupied and used, the Property in such a manner as to constitute a public
8 nuisance in violation of Civil Code sections 3479, et seq. The public nuisance, as
9 described herein, is injurious to health, indecent or offensive to the senses, and/or an
10 obstruction to the free use of property, so as to substantially and unreasonably interfere
11 with the comfortable enjoyment of life or property by those persons living in the community
12 surrounding the Property. The public nuisance consists of, but is not limited to, the illegal
13 sale, use, and storage of controlled substances at the Property; the threatening, violent,
14 and disorderly presence of resident and non-resident gang members and/or their
15 associates at the Property; prostitution and prostitution-related activity at the Property;
16 batteries and assaults committed at the Property; and the state of disorder that pervades
17 the Property and its surroundings.

18 54. Defendants, in owning, conducting, maintaining, and/or permitting, directly or
19 indirectly, the use of the Property, as a public nuisance, have engaged in wrongful conduct
20 and caused a serious threat to the general health, safety and welfare of the law-abiding
21 individuals at the Property and persons in the area surrounding the Property.

22 55. Unless Defendants are restrained and enjoined by order of this Court, they
23 will continue to use, occupy and maintain, and to aid, abet or permit, directly or indirectly,
24 the use, occupation, and maintenance of the Property, together with the fixtures and
25 appurtenances located therein, for the purpose complained of herein, to the great and
26 irreparable damage of Plaintiff and in violation of California law.

1 X. **FOURTH CAUSE OF ACTION FOR UNFAIR COMPETITION**

2 **[Business and Professions Code Section 17200, et seq. --**

3 **Against Defendants and DOES 1 through 50]**

4 56. Plaintiff hereby incorporates paragraphs 1 through 55 above as if fully alleged
5 herein.

6 57. Ownership and operation of a motel, such as the Property, is a business.
7 When the owner of such a business violates the NAL, RAL, and/or PNL such that a
8 nuisance exists and flourishes at the business's premises, as alleged herein, it is also a
9 violation of the UCL.

10 58. Defendants have violated the UCL by engaging in the following unlawful or
11 unfair business acts and practices: (1) conducting, maintaining and/or permitting, directly
12 or indirectly, narcotics activity at the Property amounting to violations of the NAL as alleged
13 herein; (2) conducting, maintaining and/or permitting, directly or indirectly, prostitution and
14 pandering at the Property amounting to violations of the RAL as alleged herein; (3) and/or
15 conducting, maintaining and/or permitting, directly or indirectly, narcotics, red light, and
16 other gang-related criminal and/or nuisance activity at the Property amounting to violations
17 of the PNL as alleged herein.

18 36. Plaintiff has no adequate remedy at law, and unless Defendants are
19 restrained by this Court they will continue to commit unlawful or unfair business practices or
20 acts, thereby causing irreparable injury and harm to the public's welfare.

21 **PRAYER**

22 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
23 **DECREE AS FOLLOWS:**

24 **AS TO THE FIRST CAUSE OF ACTION:**

25 1. That Defendants, DOES 1 through 50, and the Property, including all
26 buildings and structures thereon, be declared in violation of Health and Safety Code section
27 11570, et seq.

1 2. That the Property, together with the fixtures and moveable property therein
2 and thereon, be found to constitute a public nuisance and be permanently abated as such
3 in accordance with Section 11581 of the California Health and Safety Code.

4 3. That the Court grant a preliminary injunction, permanent injunction and order
5 of abatement in accordance with Section 11570, et seq. of the California Health and Safety
6 Code, enjoining and restraining each Defendant and their agents, officers, employees and
7 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping,
8 manufacturing, or giving away controlled substances on the Property.

9 4. That the court order physical and managerial improvements to the Property in
10 accordance with Health and Safety Code section 11573.5, and such orders as are
11 otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement
12 process, including but not limited to, implementation of the following: an internet-connected
13 video monitoring system accessible by LAPD; improved lighting; a gate securing access to
14 the parking lot of the Property, including the carport area; improved procedures for
15 screening and registration of guests and those coming onsite to the Property; hiring armed,
16 licensed security guards to be present at the Property 24-hours a day, 7 days a week; and
17 prohibiting known gang members and other individuals previously arrested at the Property
18 from accessing the Property at any time.

19 5. That Defendants VIMAL PATEL, NANUBHAI M. PATEL, and LALITABEN N.
20 PATEL each be ordered to reside at the Property until the nuisance is abated, pursuant to
21 Health and Safety Code section 11573.5(f)(1)(h).

22 6. That as part of the Judgment, an Order of Abatement be issued, and that the
23 Property be closed for a period of one year, not to be used for any purpose, and be under
24 the control and custody of this Court for said period of time; or, in the alternative, if the
25 Court deems such closure to be unduly harmful to the community, that Defendants, and
26 DOES 1 through 50, pay an amount equal to the fair market rental value of the Property for
27 one year to the City or County in whose jurisdiction the nuisance is located in accordance
28 with Health and Safety Code section 11581 subdivision (c)(1); and that an officer and/or

1 director of Defendant be ordered to reside at the Property until the nuisance alleged herein
2 is abated.

3 7. That Defendants and Does 1-50 each be assessed a civil penalty in an
4 amount not to exceed twenty-five thousand dollars (\$25,000.00).

5 8. That all fixtures and moveable property used in conducting, maintaining,
6 aiding or abetting the nuisance at the Property be removed by the LAPD and sold in the
7 manner provided for the sale of chattels under execution. Said fixtures and property shall
8 be inventoried and a list prepared and filed with this court.

9 9. That there shall be excepted from said sale, such property to which title is
10 established in some third party not a defendant, nor agent, officer, employee or servant of
11 any defendant in this proceeding.

12 10. That the proceeds from said sale be deposited with this court for payment of
13 the fees and costs of sale. Such costs may occur in closing said Property and keeping it
14 closed, removal of said property, and Plaintiff's costs in the action, including attorneys' fees,
15 and such other costs as the court shall deem proper.

16 11. That if the proceeds of the sale do not fully discharge all such costs, fees and
17 allowances, the Property shall also be sold under execution issued upon the order of the
18 court or judge and the proceeds of such sale shall be applied in a like manner. That any
19 excess monies remaining after payment of approved costs shall be delivered to the owner
20 of said Property. Ownership shall be established to the satisfaction of this court.

21 12. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
22 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
23 enjoined from transferring, conveying, or encumbering any portion of the Property, for
24 consideration or otherwise, without first obtaining the Court's prior approval.

25 13. That Defendants, and DOES 1 through 50, be ordered to immediately notify
26 any transferees, purchasers, commercial lessees, or other successors in interest to the
27 subject Property of the existence and application of any temporary restraining order,
28 preliminary injunction, or permanent injunction to all prospective transferees, purchasers,

1 commercial lessees, or other successors in interest, *before* entering into any agreement to
2 sell, lease or transfer the Property, for consideration or otherwise, all or any portion of the
3 Property that is the subject of this action.

4 14. That Defendants, and DOES 1 through 50, be ordered to immediately give a
5 complete, legible copy of any temporary restraining order, preliminary injunction, and/or
6 permanent injunction to all prospective transferees, purchasers, lessees, or other
7 successors in interest to the Property.

8 15. That Defendants, and DOES 1 through 50, be ordered to immediately request
9 and procure signatures from all prospective transferees, purchasers, lessees, or other
10 successors in interest to the subject Property, which acknowledges his/her respective
11 receipt of a complete, legible copy of any temporary restraining order, preliminary
12 injunction, and/or permanent injunction, and deliver a copy of such acknowledgment to the
13 Los Angeles City Attorney's Office, c/o Deputy City Attorney Ryan Borho or his designee.

14 16. That Plaintiff recover the costs of this action, including law enforcement
15 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
16 \$750,000.00, from Defendants and DOES 1 through 50.

17 AS TO THE SECOND CAUSE OF ACTION

18 1. That Defendants and each of them and the Property, including all buildings
19 and structures thereon, be declared in violation of Penal Code section 11225, et seq.

20 2. That the Property, together with the fixtures and movable property therein and
21 thereon, be declared a nuisance and be permanently abated as such in accordance with
22 Penal Code section 11230.

23 3. That the Court grant preliminary and permanent injunctions in accordance
24 with Penal Code section 11225 et seq., enjoining and restraining Defendants and each of
25 them, their agents, officers, employees, and anyone acting on their behalf from conducting,
26 permitting, maintaining, either directly or indirectly, the use of the Property as a public
27 nuisance.

28 4. That the Court order physical and managerial improvements to the Property

1 in accordance with Penal Code section 11227(a), and such orders as are otherwise
2 appropriate to remedy the nuisance on the Property and enhance the abatement process,
3 including but not limited to implementation of the following: an internet-connected video
4 monitoring system accessible by LAPD; improved lighting; a gate securing access to the
5 parking lot of the Property, including the car port area; improved procedures for screening
6 and registration of guests and those coming onsite to the Property; hiring armed, licensed
7 security guards to be present at the Property 24-hours a day, 7 days a week; and
8 prohibiting known gang members and other individuals previously arrested at the Property
9 from accessing the Property at any time.

10 5. That Defendants be ordered to:

11 a. Post the following notices: "If you or someone you know is being forced to
12 engage in any activity and cannot leave -- whether it is commercial sex,
13 housework, farm work, construction, factory, retail, or restaurant work, or any
14 other activity -- call the National Human Trafficking Resource Center at 1-888-
15 373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST)
16 at 1-888-KEY-2-FREEDOM or 1-888-539-2373 to access help and services.
17 Victims of slavery and human trafficking are protected under United States
18 and California law. The hotlines are:

- 19 ▪ Available 24 hours a day, seven days a week.
- 20 ▪ Toll-free.
- 21 ▪ Operated by nonprofit, nongovernmental organizations.
- 22 ▪ Anonymous and confidential.
- 23 ▪ Accessible in more than 160 languages.
- 24 ▪ Able to provide help, referral to services, training and general
25 information."

26 b. These notices are required to be:

- 27 ▪ Posted in at least 8.5"x11" size;
- 28 ▪ 16-point font;

- In both English and Spanish; and
- Posted in a conspicuous place near the public entrance of the Motel, as well as other conspicuous locations where similar notices are customarily posted in clear view of the public and employees.

6. That the Court issue orders that anyone previously arrested at the Property stay at least 1,000 feet away from the Property pursuant to Penal Code section 11227(a) to prevent recurrence of the nuisance.

7. That as part of the Judgment, an Order of Abatement be issued and that the Property be closed for a period of one year, not to be used for any purpose, and be under the control and custody of this Court for said period of time.

8. That all fixtures and moveable property used in conducting, maintaining, and/or permitting the nuisance at the Property be removed by LAPD and sold in the manner provided for the sale of chattels under execution. Said fixtures and property shall be inventoried and a list prepared and filed with this Court.

9. There shall be excepted from said sale such Property to which title is established in some third party not a defendant, nor agent, officer, employee, or servant of any Defendant in this proceeding. That the proceeds from said sale be deposited with this Court for payment of the fees and costs of sale. Costs of sale include any such costs as may occur in closing said Property and keeping it closed, removal of said property and such other costs as the Court shall deem proper.

10. If the proceeds of the sale do not fully discharge all such costs, fees and allowances, the Property shall also be sold under execution issued upon the order of the Court and the proceeds of such sale shall be applied in a like manner.

11. Any excess monies remaining after payment of approved costs shall be delivered to the owner of said Property. Ownership shall be established to the satisfaction of this Court.

12. That Defendants be required to obtain the Court's prior approval before transferring, conveying, or encumbering, for consideration or otherwise, any portion of the

1 Property.

2 13. That Defendants be ordered to immediately notify any transferees,
3 purchasers, commercial lessees, or other successors in interest to the subject Property of
4 the existence and application of any temporary restraining order, preliminary injunction, or
5 permanent injunction to all prospective transferees, purchasers, commercial lessees, or
6 other successors in interest, before entering into any agreement to sell, lease, or transfer
7 the Property for consideration or otherwise, all or any portion of the Property that is the
8 subject of this action.

9 14. That Defendants be ordered to immediately give a complete, legible copy of
10 any temporary restraining order and preliminary and permanent injunctions to all
11 prospective transferees, purchasers, commercial lessees, or other successors in interest to
12 the subject Property.

13 15. That Defendants be ordered to immediately request and procure signatures
14 from all prospective transferees, purchasers, commercial lessees, or other successors in
15 interest to the subject Property, which acknowledge their respective receipt of a complete,
16 legible copy of any temporary restraining order, preliminary and permanent injunction, and
17 deliver a copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o
18 Deputy City Attorney Ryan Borho or his designee.

19 16. That Plaintiff recover the costs of this action, including LAPD investigative
20 costs and attorneys' fees pursuant to California Civil Code section 3496(b) in an amount
21 not to exceed Seven Hundred and Fifty Thousand Dollars (\$750,000.00).

22 17. That Plaintiff recover the amount of filing fees and the amount of fee for
23 service of process or notices which would have been paid but for Government Code
24 section 6103.5.

25 18. That each Defendant shall be assessed a civil penalty pursuant to Penal
26 Code section 11230(b) in an amount not to exceed twenty-five thousand dollars
27 (\$25,000.00).
28

1 AS TO THE THIRD CAUSE OF ACTION

2 1. That the Property, together with the fixtures and moveable property therein
3 and thereon, be declared a public nuisance and be permanently abated as such in
4 accordance with Civil Code section 3491.

5 2. That each Defendant and their agents, officers, employees and anyone acting
6 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined
7 from operating, conducting, using, occupying, or in any way permitting the use of the
8 Property as a public nuisance. Such orders should include, but not be limited to physical
9 and managerial improvements to the Property, the appointment of a receiver to carry out
10 the Court's orders, and such other orders as are appropriate to remedy the nuisance on the
11 Property and enhance the abatement process.

12 3. That Plaintiff be awarded such costs as may occur in abating said nuisance at
13 the Property and such other costs as the Court shall deem just and proper.

14 4. That Plaintiff be granted such other and further relief as the Court deems just
15 and proper, including closure and/or demolition of the Property.

16 AS TO THE FOURTH CAUSE OF ACTION

17 1. That each Defendant be declared in violation of Business and Professions
18 Code section 17200.

19 2. That each Defendant, as well as its agents, heirs, successors, and anyone
20 acting on its behalf, be permanently enjoined from maintaining, operating, or permitting any
21 unlawful or unfair business acts or practices in violation of Business and Professions Code
22 section 17200.

23 3. That the Court grant a preliminary and/or permanent injunction prohibiting
24 each Defendant, as well as its agents, heirs, successors, and anyone acting on its behalf,
25 from engaging in the unlawful or unfair acts and/or practices described herein at the
26 Property and in the City of Los Angeles. Such orders should include physical and
27 managerial improvements to the Property.

28 4. That, pursuant to Business and Professions Code section 17206, each

1 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair
2 competition. Since each Defendant has engaged in a continuing nuisance, each day
3 constitutes an act of unfair competition and Defendant should be assessed a civil penalty
4 not to exceed \$3.65 million dollars.

5 5. That, pursuant to the Court's equitable power and Business and Professions
6 Code section 17203, the Court make such orders or judgments, including appointment of a
7 receiver, to eliminate the unfair competition alleged herein.

8 AS TO ALL CAUSES OF ACTION


9 1. That Plaintiff recover the amount of the filing fees and the amount of the fee
10 for the service of process or notices which would have been paid but for Government Code
11 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
12 amount of the fees for certifying and preparing transcripts.

13 2. That Plaintiff be granted such other and further relief as the Court deems just
14 and proper.

15
16 DATED: May 25, 2018

Respectfully submitted,

17
18 MICHAEL N. FEUER, City Attorney
19 JONATHAN CRISTALL, Assistant City Attorney
20 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy
City Attorney

21 By: 
22 RYAN BORHO
23 Deputy City Attorney
24 Attorneys for Plaintiff, THE PEOPLE OF THE
STATE OF CALIFORNIA